

# POLICY SERVICES ADVISORY

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### Policy Advisory Discussion

**Policy Advisory No. 229. DO – Disposition of Facilities to Charter Schools.** The 2022 Legislature via House Bill 43 amended the provisions of the Charter Schools Act to more specifically address the obligation of the public schools to develop a facilities prioritization plan and to notify charter schools located within the district of land and facilities available for lease, lease-purchase or purchase by the charter schools.

**Policy Advisory No. 230. GBA – Equal Employment Opportunity.** The amendment to this section expands the scope of the equal employment opportunity mandate, consistent with the protected categories listed in the New Mexico Human Rights Act.

**Policy Advisory No. 231. GCIA – Teacher Residency Program.** A new section GCIA is added to implement the provisions of the Teacher Residency Act, adopted in House Bill 13 by the 2022 New Mexico Legislature, as NMSA 1978 Sections 22-10B-3 and 22-10B-4. The new law provides for full year guided apprenticeships for teaching residents

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in the classrooms of Level Two and Level Three teachers, as well as training and specified stipends for teaching residents and supervising teachers, administrators and program coordinators. The teaching resident shall receive an expectation of employment with the sponsoring district, and ongoing mentoring and professional development opportunities. The teaching resident must make a commitment of three years teaching in the sponsoring district.

***Policy Advisory No. 232.*** GE - Retiree Return to Work. A new subsection of the Educational Retirement Act authorized by House Bill 73 allows a retired member of the Educational Retirement Association (ERA) to return to work, without suspension of the retirees' retirement benefits, provided that the retired member has not "rendered service" to a "local administrative unit" for at least 90 days after the date of retirement, and returns to work for no more than 36 consecutive or nonconsecutive months. Given the staffing shortages experienced by school districts statewide over the past couple of years, this added flexibility in job qualifications may assist local school boards and superintendents in covering vacancies in the workforce.

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# Advisory 229

**D-3400            ©            DO**  
**DISPOSITION OF PUBLIC SCHOOL FACILITIES TO CHARTER SCHOOLS (New Section)**

By May 1<sup>st</sup> of each year, the School District shall provide written notice to each charter school located within the School District that the District has land or facilities available which are not currently used for educational purposes, and may make such land and facilities available for lease, lease-purchase or purchase by the charter schools. District-owned land shall not be considered available to a charter school, if the District has justified its future use by the School District, in its five-year facilities master plan.

The School District shall develop a facility prioritization plan that identifies which charter schools may lease, lease-purchase or purchase available school district facilities.

*Adopted:*

LEGAL REF.:        NMSA 1978 Section 22-8B-4F (revised 2022)

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# Advisory 230

G-0200 © GBA  
EQUAL EMPLOYMENT OPPORTUNITY

Discrimination against an otherwise qualified individual with a disability or any individual by reason of race, color, religion, sex, sexual orientation, age, or national origin is prohibited. Efforts will be made in recruitment and employment to ensure equal opportunity in employment for all qualified persons. Pursuant to the New Mexico Human Rights Act, it shall be considered an unlawful discriminatory practice for an employer, unless based on a bona fide occupational qualification or other statutory prohibition, to refuse to hire, to discharge, to promote or demote or to discriminate in matters of compensation, terms, conditions or privileges of employment against any person otherwise qualified because of race, age, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, physical or mental handicap or serious medical condition, or, if the employer has fifty or more employees, spousal affiliation; provided, however, that 29 U.S.C. Section 631(c)(1) and (2) shall apply to discrimination based on age;

*Adopted:* Date of manual adoption

LEGAL REF.: Sections 28-1-2 NMSA et seq.; Section 28-1-7A NMSA 1978;  
20 U.S.C. 1703, Equal Employment Opportunity Act of 1972

CROSS REF.: AC - Nondiscrimination  
ACA - Nondiscrimination on the Basis of Sex  
IHBA - Special Instructional Programs and Accommodations for  
Disabled Students  
JB - Equal Educational Opportunities  
KED - Public Concerns/Complaints about Facilities or Services

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# Advisory 231

**G-4150                      ©            GCIA**  
**TEACHER RESIDENCY PRGRAM (New Section)**

The School Board recognizes the benefits of effective teacher preparation efforts in producing more highly qualified teachers, and that collaborative training by experienced teaching staff will foster a more diverse teaching environment for students within the School District and throughout the State. As a result, the School Board favors and will promote participation in the teacher residency program, to provide a full academic year of guided apprenticeship in the classrooms of Level Two or Level Three teachers, in partnership with a public post-secondary educational institution or tribal college.

Such Level Two and Level Three teachers will receive ongoing evidence-based training in coaching and mentoring teaching residents, and compensation for the time and added responsibilities assumed. The School Board will provide additional support for the teacher residency program, as follows:

- A stipend of not less than thirty-five thousand dollars (\$35,000) per year for teaching residents;
- A stipend of not less than two thousand dollars (\$2,000) per year for Level Two and Level Three teachers participating in the program;
- A stipend of not less than two thousand dollars (\$2,000) per year for principals or head administrators at the participating schools;
- Funding of not less than fifty thousand dollars (\$50,000) per year for teacher residency program coordinators at each PED-approved teacher residency program.

Teaching residents, upon completion of the teacher residency program, shall receive an expectation of employment from the sponsoring school district, as well as mentoring, professional development and networking opportunities for not less than one year following completion of the program, and shall commit to serve a minimum of three years teaching at schools in such school district.

*Adopted:*

LEGAL REF.:        Sections 22-10B-3 and 22-10B-4 NMSA 1978 (revised 2022)

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# Advisory 232

**G-9400                    ©                    GE**  
**RETIREE RETURN TO WORK (New Section)**

A retired member of the Educational Retirement Association (ERA) is eligible to return to work for the School District without suspension of the member's retirement benefits provided that the retired member has not rendered service to a local administrative unit, including a local school district, for at least 90 days after the date of retirement, and returns to work for no more than 36 consecutive or nonconsecutive months. "Rendered service" under this provision shall mean full- or part-time employment, substitute teaching, independent contractor work or volunteer service which would otherwise be performed by a paid employee or independent contractor. The Superintendent shall adopt administrative rules to implement and monitor employment falling within this provision.

*Adopted:*

LEGAL REF.:      NMSA 1978 Section 22-11-25.1(I)

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